

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

OLASEBIKAN N. AKINMULERO,  
Plaintiff,

NO. C20-1135RSL

DEPARTMENT OF HOMELAND  
SECURITY, *et al.*,  
Defendants.

## ORDER DENYING MOTION FOR SANCTIONS

This matter comes before the Court on plaintiff's request for discovery sanctions. Dkt.

# 49. The discovery deadline in the above-captioned matter was November 7, 2021, and discovery motions had to be noted on the Court’s calendar for consideration no later than November 5, 2021. Plaintiff apparently attempted to file a “Motion Discovery According to the Schedule by the Court Under Rule 26” on or about October 28, 2021, but it was rejected pursuant to LCR 5(d), which prohibits parties from filing discovery requests. Very little additional information regarding the nature of that document has been provided: plaintiff asserts that he sent a “request close to the deadline of November 7th, 2021” (Dkt. # 49 at 2) and defendants’ counsel “represents that Plaintiff did not serve discovery in this action” (Dkt. # 50 at 1).

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Regardless whether the October 28, 2021, submission were discovery requests or a motion to compel discovery, it was untimely. Pursuant to LCR 26(d), “[i]nterrogatories, requests for admissions or production, *etc.*, must be served sufficiently early that all responses are due before the discovery deadline.” Responses to discovery requests served on October 28, 2021, would have been due long after the November 7, 2021, deadline. Likewise, a motion to compel discovery filed on October 28, 2021, would not have been ripe for consideration by November 5, 2021.

Plaintiff has not shown that defendants failed to respond to discovery requests, much less that such failure was sanctionable. The motion for sanctions (Dkt. # 49) is therefore DENIED.

Dated this 6th day of December, 2021.

Robert S. Lasnik  
Robert S. Lasnik  
United States District Judge

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